

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Reverend Franklin C. Reaves, Ph.D.,)	C.A. No.: 4:10-125-TLW-TER
)	
Plaintiffs,)	
)	
vs.)	
)	
Sherry R. Rhodes, individually and in her official capacity as Clerk of Court for Marion County; Mark Richardson, individually and in his official capacity as Sheriff of Marion County; Levon Nichols, individually and in his official capacity as Deputy Sheriff of Marion County; Willie Dean White, individually; City of Mullins; Pam Lee, individually and in her official capacity as Mayor; Terry B. Strickland, individually and in his official capacity; Terry Davis, individually and in her official capacity; Wayne Collins, individually and in his official capacity; Jo A. Sanders, individually and in her official capacity; Patricia A. Phillips, individually and in her individual capacity; Carolyn Wilson, individually and in her official capacity; City of Mullins Police Department; Kenny Davis, individually and in his official capacity as Chief of Mullins Police Department; South Carolina Department of Social Services,)	
)	
Defendants.)	
)	

This action has been filed by the plaintiff, who is proceeding *pro se*. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that this case be dismissed, upon Plaintiff’s request, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Report was filed on May 25, 2010. (Doc. # 42). On June 1, 2010, and also on June 10, 2010, plaintiff filed objections to the Report, indicating that he wishes to withdraw his Notice of Voluntarily Dismissal (Doc. # 13); and Amended Notice of Voluntarily Dismissal (Doc. # 14) and proceed with his case at this time. (Docs. # 44 and # 51).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court declines to accept the Report at this time.

THEREFORE, IT IS HEREBY ORDERED that this case is remanded back to the Magistrate Judge to proceed at this time.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

July 1, 2010
Florence, South Carolina